

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,)	CASE NO: 2:13-CV-00193
)	
Plaintiffs,)	CIVIL
)	
vs.)	Corpus Christi, Texas
)	
RICK PERRY, ET AL.,)	Friday, August 12, 2016
)	
Defendants.)	(2:31 p.m. to 3:05 p .m.)

TELEPHONIC STATUS CONFERENCE

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

Appearances:	See Next Page
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Proceedings recorded by electronic sound recording;
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Corpus Christi, Texas; Friday, August 12, 2016; 2:31 p.m.

(Call to Order)

THE COURT: Good afternoon. Court calls Cause Number 2:13-cv-193, *Veasey, et al. versus State of Texas, et al.* Genay will take roll here.

THE CLERK: Counsel, on the Veasey Plaintiffs, do I have Mr. Chad Dunn?

MR. DUNN: Yes. Good afternoon.

THE CLERK: Hello. Mr. Derfner?

MR. DUNN: He will not be joining us.

THE CLERK: Thank you. Ms. Lang?

MR. DUNN: Yes, she's here.

THE CLERK: Thank you. Mr. Hebert?

MR. HEBERT: Yes, this is me. Thank you.

THE CLERK: Thank you. Mr. Baron?

(No audible response)

THE CLERK: No, no Mr. Baron. And Ms. Kamin?

MS. KAMIN: Yes, ma'am.

THE CLERK: Thank you. Do I have anybody else on the Veasey Plaintiffs?

(No audible response)

THE CLERK: And I'll move on to Texas NAACP, Ms. Perez?

MS. PEREZ: Yes, ma'am.

THE CLERK: Thank you. Ms. Cohan?

1 MS. COHAN: Yes, ma'am.

2 THE CLERK: Thank you. Mr. Downes?

3 MR. DOWNES: Yes, ma'am.

4 THE CLERK: Thank you. Mr. Rosenberg?

5 MR. ROSENBERG: Yes, ma'am.

6 THE CLERK: Thank you. Mr. Goode?

7 MR. GOODE: Yes, ma'am.

8 THE CLERK: Thank you. And Jen Clark?

9 MS. CLARK: Yes. Thank you.

10 THE CLERK: Thank you. Anyone else on the Texas

11 NAACP?

12 (No audible response)

13 THE CLERK: Okay. We'll move on to the Taylor
14 Plaintiffs. Jose Garza?

15 MR. GARZA: Yes.

16 THE CLERK: Thank you. And Ms. Van Dalen?

17 MS. VAN DALEN: Yes, ma'am.

18 THE CLERK: Thank you. And the Texas Association of
19 Hispanic County Judges, Mr. Rios?

20 MR. RIOS: Yes, ma'am.

21 THE CLERK: Thank you. Texas League of Young Voters,
22 Mr. Ross?

23 (No audible response)

24 THE CLERK: No Mr. Ross. Ms. Faransso?

25 MS. FARANSSO: Yes, ma'am.

1 **THE CLERK:** Thank you. And Leah Aden?

2 **(No audible response)**

3 **THE CLERK:** No Ms. Aden. For United States,
4 Mr. Shapiro?

5 **MR. SHAPIRO:** Yes, ma'am.

6 **THE CLERK:** Thank you. Ms. Bell-Platts?

7 **MS. BELL-PLATTS:** Good afternoon, your Honor.

8 **THE COURT:** Good afternoon.

9 **THE CLERK:** Mr. Oliker?

10 **(No audible response)**

11 **THE CLERK:** No Mr. Oliker. Mr. Greer -- Gear, I'm
12 sorry?

13 **MR. GEAR:** Yes, ma'am.

14 **THE CLERK:** Thank you. Mr. Smith?

15 **MR. SMITH:** Yes, ma'am. Ms. Wake?

16 **(No audible response)**

17 **THE CLERK:** No Ms. Wake. Mr. Freeman?

18 **(No audible response)**

19 **THE CLERK:** No? And Chris Herren?

20 **(No audible response)**

21 **THE CLERK:** No. And for the State of Texas,
22 Ms. Colmenero?

23 **MS. COLMENERO:** Yes, ma'am.

24 **THE CLERK:** Thank you. And Mr. Frederick?

25 **MR. FREDERICK:** Yes, ma'am, I'm here.

1 **THE CLERK:** Thank you.

2 **THE COURT:** Okay. I think that's --

3 **MR. DELLHEIM:** Your Honor, forgive me --

4 **THE COURT:** Yes?

5 **MR. DELLHEIM:** -- this is Richard Dellheim for the
6 United States, and I will be speaking for the United States. I
7 just wanted to address the Court.

8 **THE COURT:** All right. Then Court had set this
9 status hearing after our hearing on Wednesday, following up on
10 you-all conferring regarding the plan for the Voter Education
11 and Election Worker Training. So who's going to report to the
12 Court on where we are?

13 **MS. PEREZ:** If I may, your Honor? Myrna Perez for
14 the private Plaintiffs?

15 **THE COURT:** Okay.

16 **MS. PEREZ:** Good afternoon. Thank you for hearing us
17 today and thank you for ordering us to -- we're in a very
18 different position than we were on Wednesday. At this point in
19 time, your Honor, I would like, if it pleases the Court, to go
20 through our understanding of what the parties have agreed to,
21 to make three very small requests of the Court and to indicate,
22 for the record, those items for which we were not able to reach
23 agreement on. But, again, at this point in time, we are only
24 making three requests of the Court today.

25 **THE COURT:** Okay.

1 **MS. PEREZ:** So, thus far, your Honor, the parties
2 have agreed that the State will provide the Plaintiffs with an
3 opportunity to review in advance those portions of the
4 following documents that would be updated or created to provide
5 training and/or education as to the terms of the Interim Remedy
6 Order.

7 The first is the written Election Worker Training
8 Manual. And that includes the Poll Watcher Guide and the
9 Inspection Guide, an online training module, both in English
10 and Spanish.

11 The State will also provide Plaintiffs with the
12 opportunity to review in advance tool kits distributed to
13 community group leaders, both in English and Spanish, and tool
14 kits distributed to election officials, both in English and
15 Spanish.

16 Plaintiffs will provide suggestions on this material
17 within 24 hours of receipt. The State will consider the
18 suggestions, but is not committed to accepting them. And
19 Plaintiffs reserve their right to seek appropriate relief from
20 the Court, should the State not accept these suggestions after
21 meeting and conferring with the State.

22 Secondly, the State will accept recommendations from
23 Plaintiffs at the community organizations or businesses to be
24 targeted as part of the State's community engagement plan. The
25 State will advise Plaintiffs whether any such recommended

1 entities are already on their list, whether they will be added,
2 or whether they will not be added. And, again, Plaintiffs
3 reserve their right to seek appropriate relief from the Court,
4 should the State not accept suggestions, obviously, after
5 meeting and conferring with the State.

6 The State will add to the list of tool kit recipients
7 any elected official the tool kits are being sent to the
8 elected official recommended by Plaintiffs or they will confirm
9 that those we recommend are already on the list.

10 The State has already provided the Plaintiffs with
11 advanced copy of what we have been calling the FAQs that are to
12 be put on the State's web site. We have, as the private
13 Plaintiffs and the government, provided responses to those and
14 we are working through those comments as we speak.

15 The State has also agreed to notify the Plaintiffs
16 when and if they make any further changes to the FAQs
17 pertaining to the terms of the Interim Revenue Order, as soon
18 as those changes arrive on the State's web site.

19 I hope you all agree -- I hope you believe, as we do,
20 that that is some progress.

21 **MS. COLMENERO:** Your Honor, if I may clarify a couple
22 of those points, because the parties were meeting and
23 conferring literally minutes before.

24 **THE COURT:** Okay.

25 **MS. COLMENERO:** And I don't know Ms. Perez got out

1 last round of edits. I do need to clarify a couple --

2 **THE COURT:** And this is Ms. Colmenero, right,
3 speaking?

4 **MS. COLMENERO:** Yes.

5 **THE COURT:** Okay.

6 **MS. COLMENERO:** So, just a couple of points.

7 Ms. Perez is correct that the State has agreed to provide the
8 Plaintiffs with an opportunity to review in advance certain
9 training manuals. We just want to make clear which ones that
10 are included in that group, and we would specify that that
11 includes the qualifying voters on election day handbook, it
12 includes the inspector handbook, the poll watcher handbook, and
13 the online training module that relates to voter ID. So that
14 is the clarification we want to make to the first agreement
15 that the parties made.

16 The other issue that we need to clarify is the last
17 point that Ms. Perez raised, which is whether the State will
18 agree to notify the Plaintiffs if we make any further changes
19 to the FAQs. The State does not believe that it's obligated to
20 notify Plaintiffs when and if they make any further changes to
21 the FAQs that pertain to the terms of the Interim Remedy Order.

22 We have already provided them with an advanced copy
23 of the proposed changes to the FAQs and we have been -- and we
24 sent them our proposed revisions which accepted a significant
25 portion of the changes that they recommended.

1 **THE COURT:** That's great. But, I mean, are you going
2 to let the Court know if you're making changes?

3 **MS. COLMENERO:** We intend -- our intent was to try to
4 go live with those changes at the end of today in order to
5 provide --

6 **THE COURT:** But who are you going to let know if you
7 make changes?

8 **MS. COLMENERO:** Well, once they go live today, we
9 don't intend to make any more changes to the --

10 **THE COURT:** Okay. But you "don't intend to," but if
11 you do, you're just not going to let anybody know, not the
12 Court or the Plaintiffs? At least the Court?

13 **MS. COLMENERO:** Well, your Honor, I -- I -- we -- I
14 don't think we -- we don't really intend there to be a
15 reporting -- an ongoing reporting requirement imposed on the
16 State, in terms of the educational efforts. And our hope with
17 that, with this revision, with giving them and advanced notice
18 of our FAQs that will go up on the web site, that we would
19 alleviate any of these, you know, having --

20 **THE COURT:** Are you saying you're not going to make
21 changes or you're saying, "We might make changes and we're not
22 going to tell you, Judge"?

23 **MS. COLMENERO:** We're saying that now that we have
24 given Plaintiffs an advanced notice of the FAQs, and they're
25 getting -- and we've -- and we've kind of solidified what our

1 final version is, we're not -- once they go live on the web
2 site, we're not going to make any more changes to them.

3 **THE COURT:** Okay. So you're confirming right now
4 there will be no more changes?

5 **MS. COLMENERO:** To that particular document that will
6 go out on the web site.

7 **THE COURT:** Okay. And if you do, you're going to let
8 the Court know, right?

9 **MS. COLMENERO:** Yes, your Honor. If there is going
10 to be -- I presume there may be a tactical modification. I
11 don't -- I don't know all the intricacies of what happens on
12 the Secretary of State's web site, but to the extent that there
13 is a substantive modification to any of the interpretations of
14 the photo ID. requirement that are part of the FAQs, we'll be
15 happy to let the Court know.

16 **THE COURT:** Okay. Any other clarifications of what
17 the Plaintiffs said?

18 **MS. COLMENERO:** Just one other clarification. With
19 respect to the different training manuals that we have agreed
20 to allow the Plaintiffs to have an advanced copy of those
21 revised portions that relate to the Court's Interim Remedy
22 Order, we just wanted to make clear that there are not Spanish
23 language translations of those particular documents. And when
24 I'm -- I'm referring to the qualifying voters on election day
25 handbook, the inspector handbook, the poll watcher handbook, as

1 well as the online training modules.

2 **THE COURT:** Okay. Anything else, Ms. Perez, or is
3 that the extent of the agreement?

4 **MS. PEREZ:** That is consistent with what we
5 understand, your Honor. And, if I may, I could move into the
6 requests that we were making of the Court?

7 **THE COURT:** Okay. Let me just hear, is there anyone
8 else who wants to speak, then, on the agreements? Anyone from
9 the Veasey Plaintiffs?

10 **MR. DUNN:** No, your Honor, nothing to add.

11 **THE COURT:** All right. Taylor Plaintiffs?

12 **MS. VAN DALEN:** No, your Honor.

13 **THE CLERK:** If they could identify themselves?

14 **THE COURT:** Oh, I'm sorry. I guess I should get you
15 to identify yourself. That was Mr. Dunn for the Veasey
16 Plaintiffs, and Ms. Van Dalen --

17 **MS. VAN DALEN:** Van Dalen.

18 **THE COURT:** -- on the Taylor Plaintiffs. Association
19 of the Judges, Mr. Rios?

20 **MR. RIOS:** Yes, your Honor, we are in support of the
21 agreement.

22 **THE COURT:** Okay. League of Young Voters,
23 Ms. Faransso?

24 **MS. FARANNSO:** Yes, your Honor, we are in support of
25 the agreement.

1 **THE COURT:** Okay. Mr. Dellheim for the United
2 States?

3 **MR. DELLHEIM:** Thank you, your Honor. That is
4 consistent with our understanding.

5 **THE COURT:** All right. And then, nothing further
6 from the State, correct, Ms. Colmenero, on the agreement?

7 **MS. COLMENERO:** That's correct.

8 **THE COURT:** Okay. Ms. Perez?

9 **MS. PEREZ:** Yes, ma'am. And so, at this point in
10 time, the State has represented on numerous occasions that any
11 continued discussion will delay the education and information
12 getting out to voters, which is what we are primarily concerned
13 with.

14 There have been some decisions that have been made
15 that cannot be undone. For example, they've already engaged
16 and contracted vendors. They've already imagined for
17 themselves a cap on how much they are willing to spend. And in
18 light of those concerns, we were very mindful that we wanted to
19 limit the number of ads that we present to the Court today,
20 because our primary concern is making sure that the education
21 and the training as to the Interim Remedy get out there as soon
22 as possible.

23 So, if I may, we would ask that the Court provide
24 that disputes concerning implementation of the training and
25 education plan be submitted to the Court after the parties meet

1 and confer. We would ask that the Court direct the State to
2 hold another training session for county election
3 administrators focusing on the terms of the Interim Remedy
4 Order.

5 We take no position as to whether or not it needs to
6 be live or online, but we would like for it to be mandatory if
7 the prior training that these administers in July was, in fact,
8 mandatory. And if it was not mandatory, we're comfortable with
9 it being optional.

10 And then, finally, we'd ask the Court to direct the
11 State to provide Plaintiffs with the opportunity to review 24
12 hours in advance the text of any commercials or radio ads that
13 are to be broadcast, solely for the purposes of accuracy within
14 the Interim Remedy Order.

15 **THE COURT:** All right. Ms. Colmenero?

16 **MS. COLMENERO:** Yes, your Honor. I would like an
17 opportunity to respond to each of those three points.

18 **THE COURT:** Yes.

19 **MS. COLMENERO:** The first -- I'll start off with the
20 training session where the Plaintiffs are requesting about the
21 State hold another training session of the county election
22 administrators, focusing on the terms of the Interim Remedy
23 Order.

24 The State did hold a training. That training
25 happened in July of 2016; and that training was an annual

1 training for all the county election officials. I am told that
2 it is impossible for us to hold another training session, one,
3 because about 750 people come to that training session from all
4 across the state. The location where the state always holds
5 the training session is booked three years in advance, and so
6 there is no location even to hold such a training.

7 **THE COURT:** Okay. So what are you going to do to
8 educate those or train those?

9 **MS. COLMENERO:** We -- we are updating all of our
10 election manuals, which I described and identified for the
11 Court earlier. And that is really the meat of what the
12 counties use to educate its election workers and its poll
13 workers.

14 And I do want to make clear that the State does not
15 have any enforcement authority over the county election
16 officials. So, to the extent the Plaintiffs are suggesting
17 that the Court order the State to make it mandatory, we do
18 not --

19 **THE COURT:** You know, the bottom line is, we're just
20 trying to be sure they know what they need to do. So --

21 **MS. COLMENERO:** And --

22 **THE COURT:** -- I mean, I think the State needs to
23 just be sure that they are well informed as to what needs to be
24 done regarding this Interim Remedy.

25 **MS. COLMENERO:** Yes, your Honor. And we're updating

1 as quickly as possible all of the training manuals that I
2 identified earlier. And those training manuals form the basis
3 for the counties, themselves, to conduct their own training
4 processes.

5 **THE COURT:** So the county will be conducting
6 training, I guess, based on this new information?

7 **MS. COLMENERO:** It's our understanding that certain
8 counties do, in fact, hold training sessions in the months
9 leading up before the election, after the State holds its
10 annual training conference in July. But we don't have --

11 **THE COURT:** So some counties do, some don't, or you
12 don't know?

13 **MS. COLMENERO:** Exactly. Exactly. And there are
14 some counties that do and there are some counties that don't,
15 and we don't have information --

16 **THE COURT:** Okay. So how are we going to know that
17 they have reviewed -- you know. Okay. "Here's some
18 manuals" -- you provide the manuals; you're not going to hold
19 training. How can we be assured they're going to know what
20 they need to do?

21 **MS. COLMENERO:** So we are in regular contact with the
22 counties and their county election officials through our
23 elections department. We have statutory obligations to answer
24 any question that's directed our way. We intend to send out
25 blast e-mails with all the updates to the manuals. There's

1 going to be an online training module that's going to be
2 prepared for poll workers. And that training module is set to
3 go live on September the 19th.

4 So there is -- around September the 19th. But it's a
5 multifaceted approach, in terms of how the State intends to
6 reach everyone to alert them of the new changes to the ID.
7 procedures and the implementation of the Reasonable Impediment
8 Declaration.

9 **THE COURT:** And that goes to who, the election
10 administrators or who-all does that go to?

11 **MS. COLMENERO:** There's -- it's -- it's my
12 understanding it's an e-mail Listserv of over 4,000 individuals
13 that includes all of the county election officials, including
14 county clerks and everyone who's involved in the process of
15 conducting the elections in the respective counties.

16 **THE COURT:** Okay. You can proceed.

17 **MS. PEREZ:** Your Honor?

18 **THE COURT:** Yes.

19 **MS. PEREZ:** I just want to respond just briefly.

20 **THE COURT:** And that's Ms. Perez.

21 **MS. PEREZ:** Yes. Yes, ma'am, I do apologize. There
22 were 700 people, by their own admission, that heard information
23 that is out of date, irrelevant, and different than the way
24 that this election should be administered in November.

25 We are open to a number of options. For example,

1 they are doing online training for poll watchers. We're not
2 exactly sure why that couldn't be done for county election
3 administrators. We do really want to work with the State, but
4 seeing that they have telephonic options, seeing that they have
5 online options, seeing that they could do regional meetings,
6 we're at this point concerned about the fact that 700 people
7 just, you know, in the last month got information that is no
8 longer accurate. And there's not a specific targeted plan to
9 make sure that that information is corrected. Rather, there is
10 a whole bunch of different kinds of information that they hope
11 will lead to the same group of people getting trained in the
12 right way.

13 **THE COURT:** Well, Ms. Colmenero, when you mentioned
14 this last e-mail that's going to be sent out to everyone, what
15 is that? What is that going to involve?

16 **MS. COLMENERO:** There was a -- well, let me start off
17 by saying, we sent our last e-mail immediately after the Court
18 issued the Interim Remedy Order to all of our election official
19 contacts across the state to let them know that, in fact, the
20 Court had issued an Interim Remedy Order; and that we would, in
21 fact, be updating all of our manuals; and that we would, in
22 fact, be sending those out as soon as they were fully revised.

23 So, it is that same process. And utilizing that same
24 process, we are then going to send them the updated handbook
25 that I described earlier. And then, I want to make clear that

1 the online training module is a module that's geared toward
2 poll workers, not necessarily poll watchers, as Ms. Perez may
3 have indicated. And that is also going to be advertised, if
4 you will, over this blast e-mail that will go out once again to
5 all of the election officials.

6 And I just also want to reiterate, to the extent that
7 there's still -- it's still on the table, our proposal that the
8 state conduct some type of additional in-person training. The
9 counties, themselves, are the ones who assigned the travel, as
10 well as the registration fee, to that specific event. That --
11 the only cost really that the State bears is the cost of,
12 perhaps, putting it on, but the counties actually bear
13 significant costs, themselves, to get their own workers to
14 those events.

15 So we're trying to do it in the most efficient and
16 cost-effective manner possible, and get the word out as quickly
17 as we can. And we believe using these blast e-mails that we
18 routinely use to educate all of the education workers about
19 changes in different types of procedures is the most effective
20 way.

21 **THE COURT:** All right. Anyone else on that point?

22 **MR. DUNN:** Your Honor, this is Chad Dunn. I guess
23 all I would add on that point, is, at the minimum, it possible
24 for the State to require sign-ins to the Webinar so we have
25 some meaningful record later as to who actually --

1 **THE COURT:** Hold on. Hold on. Hold on, because
2 you're coming in garbled.

3 **THE CLERK:** Would you mind just maybe slowing down a
4 little bit, please?

5 **MR. DUNN:** Sure. I guess all I was suggesting is
6 that the State require a sign in or a tracking process for
7 those who actually attend or use the Webinar for training, so
8 that we have some record of how successful it was and who
9 actually, you know, got the additional information.

10 **THE COURT:** But the State, Ms. Colmenero, you-all
11 aren't actually doing any Webinars? You're saying the county's
12 taking care of that training?

13 **MS. COLMENERO:** So the only Webinar-type --

14 **THE COURT:** Is the poll workers?

15 **MS. COLMENERO:** -- is the poll worker training
16 Webinar. The other election worker training will come through
17 the manuals, which will be delivered immediately to the
18 counties through a blast e-mail.

19 **THE COURT:** So, then, I guess for the Webinar for the
20 poll workers is there like a list of people who are
21 participating or how -- I guess that's what Mr. Dunn is asking,
22 how do we know who's participated or --

23 **MS. COLMENERO:** Yes, your Honor. And I -- I will say
24 this with a caveat, the State literally signed the contract
25 with our vendor two days ago. And so, we -- we are -- I don't

1 know if that feature is even a possibility at this point in
2 time. And it falls within the ceiling of our contract. I -- I
3 think we might have that feature, but I can't say for sure
4 right now --

5 **THE COURT:** You're going to check on it?

6 **MS. COLMENERO:** I will -- I will check on it.

7 **THE COURT:** Okay. Any --

8 **MS. COLMENERO:** We will add that to our submission
9 that we filed with the Court on August 15th.

10 **THE COURT:** Okay. Anything else regarding the
11 training, the request by the Plaintiffs for the State of Texas
12 to hold another training session for the county election
13 administrators? Anything else on that?

14 **MS. COLMENERO:** Not from the State, your Honor.

15 **THE COURT:** I mean, I'm not going to require, based
16 on what's before the Court, for the State to hold another
17 training session. I think we've kind of cleared some things up
18 as to what the State is doing, whether it's the e-mails,
19 whether it's the online training for the poll workers. And I'm
20 not going to order specific -- another training session, I
21 guess, as was done back in July. It doesn't sound feasible,
22 unless I'm missing something.

23 Is there anything else on that issue?

24 **MS. COLMENERO:** No, your Honor.

25 **THE COURT:** Okay. Then, another part, I guess,

1 Ms. Colmenero, if you want to address the other issues that
2 Plaintiffs wanted, I guess, the defense to -- well, Plaintiff
3 was asking that any disputes be submitted to the Court after
4 you-all confer. But, let me see. There was another issue, I
5 believe --

6 **MS. COLMENERO:** It was the --

7 **THE COURT:** -- that the Plaintiffs have 24 hours
8 regarding the text of any commercials. Did you want to address
9 that?

10 **MS. COLMENERO:** Yes.

11 **MR. DELLHEIM:** Your Honor, this is Richard Dellheim
12 for the Department of Justice, United States. Forgive me for
13 interrupting. I just wanted to make clear that that app. is
14 not -- is not being made by the United States.

15 **THE COURT:** Okay.

16 **MR. DELLHEIM:** Thank you, your Honor.

17 **THE COURT:** Thank you. Ms. Perez?

18 **MS. COLMENERO:** Your Honor?

19 **THE COURT:** Oh, I'm sorry. Ms. Colmenero?

20 **MS. COLMENERO:** Yes. Thank you. So, your Honor,
21 yes, the State does object to providing Plaintiffs with the
22 opportunity to review in advance the text of commercials to be
23 broadcast on television, radio, digital, or transit. And we do
24 so for a couple of reasons. One, we have entered into a
25 contract with the vendor; and that contract, obviously, and the

1 concepts that our vendor has come up with, are in many ways
2 proprietary to the State. We paid a lot of money for those
3 creative concepts.

4 And within -- after the Court issued its Interim
5 Remedy Order two days ago, the initial concepts that we have
6 are fluid. They need to be revised. And we're in the process
7 of reviewing those.

8 But, second, we -- it's very difficult for us to
9 provide the text of commercials, television, or radio, because
10 the State does need to retain the flexibility to execute the --
11 those concepts when we're in production. And when we're in
12 production filming those particular media spots, we are -- we
13 may have to make changes if, obviously, the director decides
14 that something's not working. So -- or it cannot fit within
15 the specified media buy time period that the State has
16 negotiated.

17 So there are a lot of concerns on our end, and we
18 don't want this to become an inefficient process. And the goal
19 of this mass media campaign that the State is on, where we're
20 doing a reach-over TV., radio, digital, and transit
21 advertisements is really to get the message out about the
22 voting ID. requirements, as well as just educating people about
23 how it is actually simple to vote.

24 **THE COURT:** Right. And, I mean, the bottom line is
25 just that there's concern that no misinformation or confusing

1 information be sent -- be sent out.

2 **MS. COLMENERO:** And that's not our intention. All --

3 **THE COURT:** And whether it's your -- not that it's
4 your intention necessarily, but, you know, sometimes that
5 happens.

6 **MS. COLMENERO:** And, but the State objects really to
7 -- in giving the Plaintiffs, sort of, really advance copies of
8 the commercials that are going to be aired to the general
9 public, as well as radio messages that are also going to be
10 aired as well. We just don't think that this is -- it's
11 different from them providing any type of just general input,
12 in terms of maybe creative concepts they would like to propose,
13 which they haven't necessarily provided those to us, but mainly
14 them injecting themselves into the process. And we think that
15 the execution of it is best left up to the State.

16 **THE COURT:** Okay. Anything else on that issue?

17 **MS. PEREZ:** Your Honor, may I respond?

18 **THE COURT:** Yes. This is Ms. Perez?

19 **MS. PEREZ:** Yes, ma'am. I want to be very clear that
20 the Plaintiffs are not interested in injecting themselves into
21 this education process. It is the State's obligation to use
22 the education and training to remedy the discriminatory effect
23 of SB14.

24 Our concern is that there is misinformation out there
25 and inaccurate views about what the state of the law is. And

1 once a television ad or radio had as been aired, it cannot be
2 unaired. People that have heard it are going to absorb it, and
3 whatever information they have that is inaccurate or is
4 misleading is something that they're going to carry with them
5 when they go into the polls or do something -- not show up.

6 We certainly do not want this process to be
7 inefficient. Again, we are limiting our ads precisely because
8 we would like to move on and have the education and training
9 happen.

10 Would -- perhaps the State would be willing to submit
11 the text to the Court to ensure that it has the appropriate
12 level of accuracy and it's going to do the job that it's
13 supposed to do, which is adequately inform people about the
14 changes and the Interim Remedy.

15 **THE COURT:** It sounds like, though, from what
16 Ms. Colmenero said these are, kind of, changing as they're
17 going along and as they're being created and produced, I guess,
18 which appears to be what the problem is.

19 Ms. Colmenero, do you want to expand on that?

20 **MS. COLMENERO:** That is exactly correct, your Honor.
21 When we get into the production process, we have to retain
22 flexibility to make modifications to the text, if necessary.
23 And we really just don't want to find ourselves in a position
24 where we had to make a change because a director of a
25 commercial said that a certain scene shot wouldn't work, and

1 the Plaintiffs raise this as an issue that wasn't run by them.
2 And that is -- that's part of why this is just a very difficult
3 ads on our end.

4 And second, because the creative concepts that were
5 initially provided to the State from our vendor, they haven't
6 been updated in the 48 hours since this Court has issued its
7 Interim Remedy Order. And we're working as fast and furious as
8 we can to purchase media spots in the -- across the state so we
9 can start airing these, but also, to kind of get these to
10 production as quickly as we can.

11 **THE COURT:** Anything else on that issue?

12 **MR. DELLHEIM:** Your Honor, this is Richard Dellheim
13 for the United States. And speaking only for the United
14 States, at the end of the day we think it's the State's
15 responsibility, of course, to ensure compliance with -- with
16 Section 2 and completely remedy the discriminatory effects of
17 SB14.

18 And while we, of course, think it would be helpful
19 for the State to agree to share more fully its remedial plans
20 with us to avoid problems down the road, to the extent it
21 declines to do that with respect to the text that it's
22 advertising, we are not -- we are prepared at this time not to
23 seek relief from the Court.

24 I guess it's our preferred route to defer to the
25 State in this instance and wait and see what it does. And we

1 would, of course, reserve the right to address any substantial
2 shortcomings at an appropriate time, first, of course, with the
3 State, and then only if necessary, with the Court.

4 **THE COURT:** All right. Then the Court's going to
5 deny that request from the Plaintiffs regarding the text of the
6 commercials.

7 What else to address?

8 **MS. COLMENERO:** I think there was one final request
9 from the Plaintiffs, and that was regarding the introduction of
10 a -- I'll call it a "dispute resolution process" to resolve
11 issues in the future.

12 I think that the Court's prior order, obviously, puts
13 a burden on the State to create an implementation plan, provide
14 it to the Court on August the 15th, as well as move forward and
15 execute one. And that's what we're working as quickly as we
16 can on our end to accomplish.

17 And so, we believe that the Plaintiffs have
18 traditional remedies that are already available to them and
19 there does not need to be a formalization of a dispute
20 resolution process to move forward or put forth in any kind of
21 separate order.

22 **MS. PEREZ:** May I qualify, your Honor? This is
23 Ms. Perez.

24 **THE COURT:** Yes.

25 **MS. PEREZ:** We are in this position where we're

1 seeking this request from the Court precisely because we could
2 not reach an agreement on a dispute resolution process. So all
3 that we would ask would be that the -- that the Court provide
4 that disputes concerning the implementation of the training and
5 education may be submitted to the Court after the parties meet
6 and confer. It's just additional language for us, again,
7 preserving the rights that we have retained to come to the
8 Court, should we have concerns.

9 **THE COURT:** I mean, I just assumed you would let the
10 Court know if there's issues. So what am I missing?

11 **MS. PEREZ:** That is very satisfactory to us. Thank
12 you so much, your Honor.

13 **THE COURT:** That doesn't need to be part of any
14 order, though. Is there -- Ms. Colmenero?

15 **MS. COLMENERO:** We agree with that position, your
16 Honor.

17 **THE COURT:** Okay. So then, are you-all going to
18 submit your agreement? Do I need to then turn that into an
19 order?

20 **MS. COLMENERO:** Well, your Honor, if I -- this is
21 Angela Colmenero. The State is prepared to submit its plan to
22 the Court as your order on August 10th required us to on
23 Monday. And so, within that -- that -- the filing that we will
24 be making, we will expressly set out, kind of, the education,
25 as well as the training plan, and identify --

1 **THE COURT:** Okay. And the agreements reached.

2 **MS. COLMENERO:** And we can identify in there the
3 agreements that the parties have reached, in terms of the
4 sharing of certain documents for the Plaintiffs.

5 **THE COURT:** Okay. Anything else, Ms. Perez?

6 **MS. PEREZ:** No, ma'am. Thank you.

7 **THE COURT:** Mr. Dunn?

8 **MR. DUNN:** No, your Honor.

9 **THE COURT:** Ms. Van Dalen?

10 **MS. VAN DALEN:** No, ma'am. Thank you, your Honor.

11 **THE COURT:** Mr. Rios?

12 **MR. RIOS:** No, ma'am. Thank you, your Honor.

13 **THE COURT:** Ms. Faransso?

14 **MS. FARANSSO:** No, ma'am. Thank you.

15 **THE COURT:** Mr. Dellheim?

16 **MR. DELLHEIM:** No, your Honor. Thank you very much.

17 **THE COURT:** Ms. Colmenero?

18 **MS. COLMENERO:** No, your Honor. Thank you very much.

19 **THE COURT:** Okay. So then, by the 15th a detailed
20 plan will be submitted and, then, if there's anything else for
21 the Court to address as we go along, any matters that need to
22 be brought to the Court's attention, it will. But, otherwise,
23 if everything goes as planned and as we've discussed, there
24 will be nothing else to address, at least for the Interim
25 Remedy. Is that correct?

1 **MS. PEREZ:** That's our hope, your Honor.

2 **THE COURT:** Okay. And then, at some point, we need
3 to figure out a plan for what we're going to do with the rest
4 of the case. So, maybe next week after -- because I'm sure the
5 State is in the middle of trying to finish up what they need to
6 do, and then maybe by late next week the parties confer and
7 discuss a plan of how we're going to proceed with the remaining
8 issues?

9 **MR. ROSENBERG:** Yes, your Honor. This is Ezra
10 Rosenberg. And, in fact, Mr. Frederick and I have begun
11 discussions along those lines. And I think if we can report by
12 the end of next week would be great.

13 **THE COURT:** Okay. If nothing else, I'm going to
14 excuse you. Thank you very much for the time and attention
15 you've put in, all the work you've done. And you-all have a
16 good weekend.

17 **(Counsel thank the Court)**

18 **(Proceedings adjourned at 3:05 p.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is written over a horizontal line.

Signed

September 12, 2016

Dated

TONI HUDSON, TRANSCRIBER